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| 09/753,537 | 01/02/2001 | David L. Multer | FUSN1-01003US0 | 1714 |

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| EXAMINER | |
|---|---|
| ABEL JALIL, NEVEEN | |
| **ART UNIT** | **PAPER NUMBER** |
| 2165 | |

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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

| Office Action Summary | Application No. | Applicant(s) | |
|---|---|---|---|
| | 09/753,537 | MULTER ET AL. | |
| | Examiner | Art Unit | |
| | Neveen Abel-Jalil | 2165 | |

*-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --*

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

1)☒ Responsive to communication(s) filed on *1/28/08*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

4)☒ Claim(s) *80-89 and 109-116* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *80-89 and 109-116* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

**Application Papers**

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/ are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

## DETAILED ACTION

### Remarks

1. In response to Applicant's Amendment filed on January 28, 2008, claims 80-89, and 109-116 are remain pending.

2. Applicant's amendment overcame the previous claim objections and rejections under double patenting and 35 USC 101.

However, in amending claim 89, there appears to be a type, since the "first" should precede the second mention of the "synchronizer" and not the first. Correction is requested.

### *Claim Rejections - 35 USC § 102*

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 80-87, 90, and 109-116 are rejected under 35 U.S.C. 102(e) as being anticipated by Zollinger et al. (U.S. Patent No. 6,321,236 B1).

As to claim 80, Zollinger et al. discloses a synchronizer system including a first synchronizer provided on a networked coupled processing device comprising:

computer code, implemented on a processing device for comparing (It is suggested that "for comparing" should be replaced with "to compare") at least one file on the device and a record of the file on the device, and providing binary differencing data between the file and the record of the file (See Figure 1, 30, and see column 6, lines 60-67, and see column 7, lines 1-3); and

a transaction generator, implemented on a processing device (is the processing device one and the same as the one in prior limitaion? if so, it should be referenced with "the" or "said") providing at least one binary difference transaction including said binary differencing data and at least one data field type to an output (See column 3, lines 45-56, and Zollinger et al.'s column 10, lines 45-65, and Zollinger et al. column 12, lines 9-14, and Zollinger et al. column 12, lines 41-56) for forwarding (It is suggested that "for forwarding" should be replaced with "to forward") to a network coupled storage server, the server using the binary differencing data to synchronize at least one other network coupled processing device (See column 7, lines 14-20, also see Figure 7, 112-118).

As to claim 81, Zollinger et al. discloses wherein the output is coupled to a network, and the first synchronizer is coupled to the storage server via the network, the storage server receiving said binary difference transaction from said first synchronizer (See Figure 1, shows the synchronization server).

As to claim 82, Zollinger et al. discloses wherein the synchronizer receives at least one binary difference transaction from the storage server, and further including computer code for

applying (It is suggested that "code for" should be replaced with "code to") the received binary difference transaction to the at least one file on at least one other network coupled processing device (See Figure 7, 112-118).

As to claim 83, Zollinger et al. discloses wherein the first synchronizer includes code for updating (It is suggested that "code for" should be replaced with "code to") a record of the file on the at least one other network coupled processing device subsequent to applying the received binary difference transaction (See column 3, lines 56-67).

As to claim 84, Zollinger et al. discloses wherein the output is coupled to a second synchronizer and the binary difference transaction is provided to said second synchronizer (See Figure 1, wherein the synchronizer is centralized operating among networked clients with bi-directional interfaces, thus deemed to be interfacing as/with second synchronizer).

As to claim 85, Zollinger et al. discloses wherein the second synchronizer is on said at least one other network coupled processing device (See Figure 1, wherein the synchronizer is centralized operating among networked clients with bi-directional interfaces, thus deemed to be interfacing as/with second synchronizer).

As to claim 86, Zollinger et al. discloses wherein second synchronizer is coupled to a network, and the output of the transaction generator is coupled to the network and the second

synchronizer (See Figure 1, wherein the synchronizer is centralized operating among networked clients with bi-directional interfaces, thus deemed to be interfacing as/with second synchronizer).

As to claim 87, Zollinger et al. discloses wherein the output is coupled to a network and the first synchronizer is coupled to the storage server via the network receiving said binary difference transaction from said first synchronizer via the network and the second synchronizer is coupled to the storage server (See Figure 1, wherein multiple clients are coupled to the synchronization server and data storage).

As to claim 109, Zollinger et al. discloses a synchronizer provided on a network-coupled server, comprising:

computer code, implemented on a processing device, for comparing (It is suggested that "for" should be replaced with "to") at least one file on a network coupled device in communication with the network coupled server and extracting binary differencing data representing the difference between the file and a record of the file (See Figure 1, 30, and see column 6, lines 60-67, and see column 7, lines 1-3); and

a transaction generator, implemented on a processing device (is the processing device one and the same as the one in prior limitaion? if so, it should be referenced with "the" or "said") , providing at least one transaction including said binary differencing data and at least one data field type to an output (See column 3, lines 45-56, and Zollinger et al.'s column 10, lines 45-65, and Zollinger et al. column 12, lines 9-14, and Zollinger et al. column 12, lines 41-56) of the network coupled server (See column 7, lines 14-20, also see Figure 7, 112-118)..

As to claim 110, Zollinger et al. discloses wherein the record of the file is provided on the network coupled device (See column 11, lines 56-67).

As to claim 111, Zollinger et al. discloses wherein the record of the file is provided on the network coupled server (See Figure 1, shows network, 46 server, 48 different devices connected, also see Figure 9, 252).

As to claim 112, Zollinger et al. discloses wherein the record of the file is a previous version in time of the file (See column 7, lines 20-31).

As to claim 113, Zollinger et al. discloses wherein the synchronizer further includes application code to modify a second version of the file by applying said binary differencing data to the second version of the file (See column 3, lines 57-67, wherein "second versions' reads on various version identifiers).

As to claim 114, Zollinger et al. discloses wherein the second version of the file is on a second network coupled device (See Figure 1, shows network, 46 server, 48 different devices connected, also see Figure 9, 252).

As to claim 115, Zollinger et al. discloses wherein the second version of the file is on the network coupled server (See column 11, lines 56-67).

As to claim 116, Zollinger et al. discloses a binary differencing synchronization system, comprising:

at least a first binary differencing engine coupled to a first network coupled device (See Figure 1, 48, client, wherein each client database will hold its own delta table);

at least a second binary differencing engine coupled to a second network coupled device (See Figure 1, 48, client , wherein each client database will hold its own delta table); and

a storage device coupled to the first and the second network coupled devices storing binary differencing data and at least one data field type (See Zollinger et al.'s column 10, lines 45-65, and Zollinger et al. column 12, lines 9-14, and Zollinger et al. column 12, lines 41-56), from and outputting binary differencing data and at least one data field type to, said at least first and second binary differencing engines (See Figure 1, shows network, 46 server, 48 different clients connected, also see column 3, lines 45-56, and see column 7, lines 14-20).

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

6. Claim 88 is rejected under 35 U.S.C. 103(a) as being unpatentable over Zollinger et al. (U.S. Patent No. 6,321,236 B1) in view of Lappington et al. (U.S. Patent No. 5,519,433).

As to claim 88, Zollinger et al. does not teach wherein the first synchronizer further includes an encryption routine encrypting the binary difference transaction.

Lappington et al. teaches wherein the first synchronizer further includes an encryption routine encrypting the binary difference transaction (See Lappington et al. column 29, lines 25-31).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the teachings of Zollinger et al. with the teachings of Lappington et al. to include the first synchronizer further includes an encryption routine encrypting the binary difference transaction because it provides for security and authentication.

7. Claim 89 is rejected under 35 U.S.C. 103(a) as being unpatentable over Zollinger et al. (U.S. Patent No. 6,321,236 B1) in view of Morris (U.S. Patent No. 5,574,906) –Cited in previous office action.

As to claim 89, Zollinger et al. does not teach wherein the synchronizer further includes a compression routine.

Morris teaches wherein the synchronizer further includes a compression routine (See Morris column 6, lines 56-62, also see Morris column 11, lines 33-51).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the teachings of Zollinger et al. with the teachings of Morris to include the synchronizer further includes a compression routine because it provides for reduced storage space and faster transmission of data.

***Response to Arguments***

8. Applicant's arguments filed on 1/28/08 have been fully considered but they are not persuasive.

Applicant's argument that "Zollinger et al. does not teach or suggest data field type" is not deemed to be persuasive.

In reading various pages of Applicant's specification to ascertain the meaning and find support for the newly added term "field type", in particular the passages below:

specification page 20 recites:

Each device engine performs mapping and translation steps necessary for applying the data packages to the local format required for that type of information in the application data stores

The other mention of field mapping is found on page 23:

documents directory on the personal computer which he wishes to map to a different directory on the notebook computer, the field mapping module 935 allows for this re-mapping to occur. It should be recognized that the 15 field mapping module allows for changes in directing the output of the data package.

And Page 29:

The job of a server AO is simply to take the device-specific format of its record and convert into a universal record format. 20 The connector provides access for the application object to remove the data field from a particular application and convert it to a universal record structure

It is unclear from reading the various referenced pages above and the broad language of the claim how the term "data field type" is different from Zollinger et al.'s column 10, lines 45-65, and Zollinger et al. column 12, lines 9-14, and Zollinger et al. column 12, lines 41-56.

Zollinger et al. is a whole introduces a solution to synchronizing databases of disparate types by having a centralized server to manage and maintain update deltas in generic format after

being acquired from various sources (various data types) to be formatted to at the target database (table) using data type mappings provided by the translator outputting the deltas and data types, thus not only inherent but explicitly stated (see Zollinger et al. background of the invention column 2, lines 50-52).

The rejection is maintained and Zollinger et al. does read on the claimed invention.

***Conclusion***

9. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. For cited art, see PTO-form 892.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Neveen Abel-Jalil whose telephone number is 571-272-4074. The examiner can normally be reached on 8:30AM-5:30PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christian P. Chace can be reached on 571-272-4190. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Neveen Abel-Jalil
Primary Examiner
February 5, 2008